



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHRISTOPHER J. DAGGETT, COMMISSIONER
CN 402
TRENTON, N.J. 08625-0402
(609) 292-2885
Fax: (609) 984-3962

(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(MORRIS COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE APRIL 12, 1989
AMENDMENT TO THE MORRIS COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On January 29, 1981, the Department approved, with modifications, the Morris County District Solid Waste Management Plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time and, if found inadequate, a new plan must be adopted. The Morris County Board of Chosen Freeholders completed such a review and on April 12, 1989 adopted an amendment to its approved district solid waste management plan. As adopted, the April 12, 1989 amendment proposed the inclusion into the county plan of a recycling facility to be operated by Garden State Paper in Mine Hill Township, Morris County. This facility will provide for the management of recyclable newspapers generated in Morris, Sussex and Warren Counties with at least 85% of the paper processed originating in Morris County.

The amendment was considered complete by the Department of Environmental Protection on June 28, 1989 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Morris County District Solid Waste Management Plan, and has determined that the amendment adopted by the Morris County Board of Chosen Freeholders on April 12, 1989 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

B. Findings and Conclusions with Respect to the Morris County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the April 12, 1989 amendment to the Morris County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies the following did not object to the proposed April 12, 1989 amendment: the N.J.D.E.P. Divisions of Solid Waste Management and Fish, Game and Wildlife, the Green Acres Program, the State Departments of Agriculture and Community Affairs, the Board of Public Utilities and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources, the State Departments of Health and the Public Advocate, the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The Department of Transportation and the N.J.D.E.P. Divisions of Environmental Quality, Water Resources and Parks and Forestry submitted substantive comments which are further addressed below.

The Department of Transportation commented that access to the proposed facility from Route 46 appears to be by way of Scrub Oaks Road. Off site improvements to the Route 46/Scrub Oaks Road intersection may be required to facilitate movement of vehicles to and from the proposed recycling facility. The opportunity to review a traffic impact study for this location is requested. Also, any person who proposes to occupy or perform any work within the limits of a state highway right-of-way must obtain a valid permit from the New Jersey Department of Transportation.

The N.J.D.E.P. Division of Environmental Quality noted that recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Recycling centers

are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16, and which require air pollution control permits for any equipment which vents the facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Further, the combustion of used oil, and mixtures of used oil and other oil are subject to the provisions of N.J.A.C. 7:27-8.2(a)13, which requires the combustion of such oil in permitted control devices.

The Division of Water Resources commented that if there is any wastewater besides sanitary wastewater to be discharged from the facility, that agency should be contacted for the appropriate permits.

Finally, the Division of Parks and Forestry commented that there are no identified cultural properties listed in or eligible for listing in the State Register of Historic Places within the project location. However, no cultural resources survey has been conducted in the area and there is a potential for archaeological resources within the designated project site. This potential for impact to resources should be addressed.

In response, by copy of this certification, Morris County and Garden State Paper are hereby notified of these comments and requirements.

C. Certification of Morris County District Solid Waste Management Plan Amendment

I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the April 12, 1989 amendment to the approved Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the April 12, 1989 amendment is approved as further specified below.

The inclusion within the solid waste management plan of the Garden State Paper newspaper recycling center to be constructed and operated on Lot 9, Block 101 in Mine Hill Township, Morris County, is approved. The facility will provide for the management of recyclable newspapers generated in Morris, Sussex and Warren Counties and is anticipated that at least 85% of the processed paper will originate in Morris County. The center itself will be a "loose sorted center", that is, there will not be a baler. Although the facility is to receive only source separated recyclable newspaper, any residual contaminants shall be disposed of at the Morris County Transfer Station located in Mt. Olive Township, as required by the district solid waste management plan and Interdistrict and Intradistrict Solid Waste Flow Rules, N.J.A.C. 7:26-6. The construction and operation of such a recycling facility shall be preceded by the acquisition of any necessary permits and approvals under all applicable laws.

In addition, the Department has reviewed the entire Morris County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Morris County remains deficient with respect to N.J.S.A. 13:1E-21b(3) due to the failure of the county to site in an in-county landfill.

2. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Morris County must submit to the Department a study summarizing transportation costs and routes to the proposed resource recovery facility. Once an in-county landfill site has been designated and approved, a similar study for this site must be conducted. Therefore, Morris County remains deficient with respect to N.J.S.A. 13:1E-21b(4).

3. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

In absence of a comprehensive solid waste financial plan, Morris County remains deficient with respect to N.J.S.A. 13:1E-21b(6).

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Morris County District Solid Waste Management Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Morris County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment; provided, however, that any such registrant may, upon application to the Department of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Morris County and affected by this amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Morris County District Solid Waste Management Plan. Any facility operator or collector/hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Morris County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Morris County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Morris County District Solid Waste Management Plan contained herein shall take effect immediately.

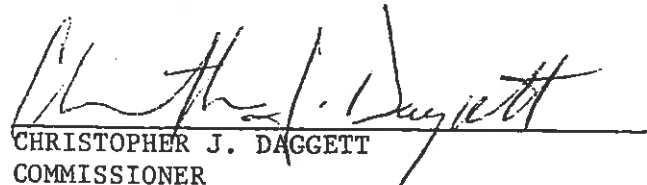
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Morris County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment as outlined in Section C. of this certification to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on April 12, 1989. I also direct that the remaining deficiencies, as outlined in Section C. above, be corrected as soon as possible.

OCTOBER 26, 1989
DATE


CHRISTOPHER J. DAGGETT
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION